

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 12, 2022**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILLY GENE PINSON,

Defendant.

No. 2:22-CR-00120-SAB

**STIPULATED PROTECTIVE  
ORDER REGARDING  
COMPUTER FORENSIC  
REVIEW PROCEDURES FOR  
CHILD PORNOGRAPHY  
CONTRABAND**

Before the Court is the parties' Stipulation Regarding Computer Forensic Review Procedures for Child Pornography Contraband. ECF No. 19. Defendant is represented by Justin Longergan. The United States is represented by Ann Wick. The parties ask the Court to enter a Protective Order that will encompass computer forensic review procedures for child pornography contraband. Good cause exists to enter the Stipulation.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. The parties' Stipulation Regarding Computer Forensic Review  
3 Procedures for Child Pornography Contraband, ECF No. 19, is **GRANTED**.

4 2. IT IS FURTHER ORDERED that, 18 U.S.C. § 3509(m) applies to  
5 this case, and the Court is required to deny defense requests to copy, photograph,  
6 duplicate, or otherwise reproduce material constituting child pornography if the  
7 government makes the material reasonably available to Defendant and provides an  
8 ample opportunity for the defense to examine it at a government facility. See 18  
9 U.S.C. § 3509(m).

10 3. IT IS FURTHER ORDERED that, in order to comply with 18 U.S.C.  
11 § 3509(m), and to allow Defendant the greatest opportunity to prepare an effective  
12 defense in preparation for trial in this matter, the government will make a true  
13 forensic extraction and/or image of devices and media containing alleged child  
14 pornography contraband at issue in the above-referenced case. The government  
15 will make that forensic extraction and/or image reasonably available to Defendant  
16 and provide ample opportunity for the defense team to examine it at a government  
17 facility in Spokane, Washington. The parties may readdress the Court if there is a  
18 need for additional or after-hours access during the course of litigation in the event  
19 trial or motion hearings require additional forensic review.

20 4. IT IS FURTHER ORDERED that the defense forensic examination  
21 will be conducted in an interview room monitored by closed-circuit television  
22 ("CC-TV"), without audio feed. While the TV with non-audio feed will ensure the  
23 integrity of FBI/HSI space and security of its occupants, the video feed is not of  
24 sufficient detail or at an angle that would reveal defense strategy. The government  
25 and its agents expressly agree that no attempt will be made to record any audio  
26 from the workstation and that no attempt will be made to observe the defense  
27 team's work product or computer monitor screen at any time. The defense expert  
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1 may review the feed to ensure that defense strategy is not being compromised at  
2 any time while conducting the forensic review.

3 5. IT IS FURTHER ORDERED that the defense team<sup>1</sup> shall not make,  
4 nor permit to be made, any copies of the alleged child pornography contraband  
5 pursuant to this Protective Order and shall not remove any contraband images from  
6 the government facility. The defense expert will be allowed to copy any file that is  
7 not contraband and compile a report (without contraband images/videos)  
8 documenting the examination on removable media at the discretion of the defense  
9 expert.

10 6. IT IS FURTHER ORDERED that the designated defense expert will  
11 leave at the government facility any equipment, including hard drives, which  
12 contain child pornography contraband that is identified during forensic evaluation.  
13 The parties may readdress this matter with the Court upon notice that the defense  
14 intends to retain a different defense expert.

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26 <sup>1</sup>For purposes of this Protective Order, the term “defense team” refers solely to  
27 Defendant’s counsel of record, Justin Lonergan, (“defense counsel”), Defendant’s  
28 designated expert (“defense expert”), and a defense investigator.

1           7.     IT IS FURTHER ORDERED that for the purpose of trial, the  
2 government agrees to make available a digital copy of any government trial exhibit  
3 that contains contraband, which will be kept in the custody and control of the case  
4 agent. Upon reasonable notice by the defense, the case agent will also maintain for  
5 trial digital copies of any proposed defense exhibit that contains contraband. If the  
6 defense team intends to offer, publish, or otherwise utilize any government or  
7 defense exhibit contained on the digital copy maintained by the case agent during  
8 trial, the case agent shall assist the defense team in publishing or utilizing the  
9 exhibit that contains contraband upon notification by the defense team.

10           **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
11 and forward copies to counsel.

12           **DATED** this 12th day of December 2022.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

18           Stanley A. Bastian  
19 Chief United States District Judge  
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